

*STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION*

AGENDA

***Wednesday, December 11, 2002
9:00 a.m.***

Water Quality Control Board Regional Board Meeting Room 9174 Sky Park Court San Diego, California
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The Regional Board requests that all lengthy comments be submitted in writing in advance of the meeting date. To ensure that the Regional Board has the opportunity to fully study and consider written material, comments should be received in the Regional Board's office no later than 5:00 P.M. on Monday, November 25, 2002, and should indicate the agenda item to which it is applicable.

If the submitted written material is more than 5 pages or contains foldouts, color graphics, maps, etc., 20 copies must be submitted for distribution to the Regional Board members and staff.

Written material submitted after 5:00 P.M. on Wednesday, December 4, 2002 will not be provided to the Regional Board members and will not be considered by the Regional Board.

PLEASE NOTE THAT SOME ITEMS ON THE AGENDA MAY HAVE BEEN PREVIOUSLY NOTICED WITH EARLIER DEADLINES FOR SUBMITTING WRITTEN COMMENTS. IN THOSE CASES THE EARLIER DEADLINES APPLY.

Comments on agenda items will be accepted by E-mail subject to the same conditions set forth for other written submissions as long as the total submittal (including attachments) does not exceed five printed pages in length. E-mail should be submitted to: rbagenda@rb9.swrcb.ca.gov.

Pursuant to Title 23, California Code of Regulations, Section 648.2, the Regional Board may refuse to admit written testimony into evidence if it is not submitted to the Regional Board in a timely manner, unless the proponent can demonstrate why he or she was unable to submit the material on time or that compliance with the deadline would create an unreasonable hardship.

NOTE C, attached to this Notice, contains a description of the hearing procedures that will be followed by the Regional Board. Hearings before the Regional Board are normally conducted using procedures that do not include cross-examination. Parties requesting use of more formal procedures must do so in accord with the directions in NOTE C. Any such request, together with supporting material, must be received in the Regional Board's office no later than 5:00 P.M. on Monday, November 25, 2002.

Except for items designated as time certain, there are no set times for agenda items. Items may be taken out of

order at the discretion of the Chairman.

1. Roll Call and Introductions
2. PUBLIC FORUM: Any person may address the Regional Board at this time regarding any matter within the jurisdiction of the Board which is not on the agenda. Submission of information in writing is encouraged. **Presentations will be limited to three minutes.**
3. Minutes of Board Meeting of November 13, 2002.
4. Chairman's, Board Members', State Board liaison's and Executive Officer's Reports: These items are for Board discussion only. No public testimony will be allowed, and the Board will take no formal action.

Consent Calendar: Items 5 and 6 are considered non-controversial issues.

(NOTE: If there is public interest, concern or discussion regarding any consent calendar item or a request for a public hearing, then the item(s) will be removed from the consent calendar and considered after all other agenda items have been completed)

5. General Waste Discharge Requirements for the Disposal and/or Reuse of Petroleum Fuel Contaminated Soils (FCS) in the San Diego Region (tentative Order R9-2002-0342) *(Brian McDaniel)*
6. Administrative Assessment of Civil Liability containing a Mandatory Minimum Penalty against Rancho California Water District for violation of Order No. 2001-0096, NPDES Permit No. CAG919002, for Discharges of Groundwater Extraction Waste Discharges from Construction, Remediation and Permanent Groundwater Extraction Projects to Surface Waters within the San Diego Region, except for San Diego Bay. The Regional Board will consider comments received during the public review period and decide on an Order accepting payment of the proposed liability and waiver of hearing. (Tentative Order No. R9-2002-0378) *(Sherrie Komeylyan)*

Remainder of the Agenda (Non-Consent Items):

7. NPDES Permit Reissuance: National Steel and Shipbuilding Co. Shipyard - San Diego Bay, San Diego County (tentative Order No. R9-2002-0175, NPDES Permit No. CA0109134) *(Paul Richter)*
8. **PUBLIC HEARING** (Continued): Administrative Assessment of Civil Liability against Chung Kwan and Hui Mei Hsu, owners and operators of Budget Trade & Gas, Escondido (tentative Order No. R9-2002-0122) *(Sue Pease)*
9. **PUBLIC HEARING:** Administrative Assessment of Civil Liability against City of San Diego, AMEC Environmental, and Tri-County Drilling, Inc., for failure to submit technical reports required pursuant to Water Code section 13267 (Tentative Order No. R9-2002-0381) *(Barry Pulver)*. **Procedures for this hearing are contained in the Notice of Public Hearing on Complaint No. R9-2002-0331, dated October 23, 2002. Those procedures are not superceded by Note C of this agenda.**

10. **PUBLIC HEARING:** Administrative Civil Liability with Mandatory Minimum Penalties against Kinder Morgan Energy Partners - SFPP, LP Mission Valley Terminal, Treatment System, San Diego, California, for Violations of Order No. 2001-96, NPDES Permit No. CAG919002. If the discharger elects to waive their right to a hearing, the matter will be removed from this agenda to allow for a 30-day public review period. (Tentative Order No. R9-2002-0385) (*Sherrie Komeylyan*)
11. **PUBLIC HEARING:** Administrative Assessment for Civil Liability containing a Mandatory Penalty against Fallbrook Public Utility District for Violation of Order No. R9-2000-0012, NPDES Permit No. CA0108031, Waste Discharge Requirements for the Fallbrook Public Utility District, Wastewater Treatment Plant No. 1, Discharges to the Pacific Ocean via the Oceanside Ocean Outfall. If the discharger elects to waive their right to a hearing, the matter will be rescheduled to allow for a 30-day public review period at which time the Regional Board will consider assessment of civil liability. (Tentative Order No. 2002-0383) (*Frank Melbourne*)
12. **PUBLIC HEARING:** Administrative Assessment for Civil Liability against Richmond American Homes for failure to pay storm water annual fees in violation of California Water Code section 13260 for the construction site located at Butterfield Stage and Nighthawk Pass, Temecula. If the discharger elects to waive their right to a hearing, the matter will be rescheduled to allow for a 30-day public review period at which time the Regional Board will consider assessment of civil liability. (Tentative Order No. R9-2002-0382) (*Vicente Rodriguez*)
13. **PUBLIC HEARING:** Administrative Assessment for Civil Liability against SWC Rancho 35 LLC for failure to pay storm water annual fees in violation of California Water Code section 13260 for the construction site located at Del Dios Highway and Bing Crosby Way, Rancho Santa Fe. If the discharger elects to waive their right to a hearing, the matter will be rescheduled to allow for a 30-day public review period at which time the Regional Board will consider assessment of civil liability. (Tentative Order No. R9-2002-0384) (*Vicente Rodriguez*)
14. *Executive Session* - Discussion of Ongoing Litigation
The Regional Board may meet in closed session to discuss ongoing litigation for the following cases:
People of the State of California Ex Rel. the Regional Water Quality Control Board, San Diego Region v. Robert Ortega, an individual in his capacity as Acting Commissioner of the International Boundary and Water Commission, United States Section, et al.. United States District Court, Southern District of California, Case No. 01-CV-027BTM(JFS); violation of effluent limits in waste discharge requirements for the International Wastewater Treatment Plant contained in Order No. 96-50 (NPDES No. CA0108928) and of Cease and Desist Order No. 96-52; Referral Order No. 99-61; and the related "Surfrider" case:

Surfrider Foundation, San Diego Chapter v. Robert Ortega, et al., Case No. 99-CV-2441-BTM(JFS)

Building Industry Association of San Diego County, et al. vs. State Water Resources Control Board, et al.; San Diego County Superior Court; Case No. GIC 7890263.

Rakhra Groups, Inc., v. San Diego Regional Water Quality Control Board Superior Court of California, San Diego County; Case No. GIC 776251 and Case No. GIC 786516

15. *Executive Session* - Consideration of Initiation of Litigation
The Regional Board may meet in closed session to consider initiating criminal prosecution against persons who are alleged to have violated the Porter-Cologne Water Quality Control or the federal Clean Water Act.
16. *Executive Session* - Discussion of Pending Litigation
The Regional Board may meet in closed session to discuss pending litigation.
17. *Executive Session* - Personnel
The Regional Board may meet in closed session to consider personnel matters involving exempt employees [Authorized under Government Code Section 11126(a)]
18. Arrangements for Next Meeting and Adjournment
Wednesday, February 5, 2003 - 9:00 a.m.
Water Quality Control Board
Regional Board Meeting Room
9174 Sky Park Court
San Diego, California

Notifications

- A. 45-day Public Notice. On February 5, 2003, the Regional Board will consider adoption of the following items:
 1. Tentative Order R9-2003-0001: General Waste Discharge Requirements for Post Closure Maintenance for Inactive Non-Hazardous Waste Landfills
 2. Tentative Order R9-2003-0002: General Waste Discharge Requirements for Post Closure Maintenance for Inactive Non-Hazardous Waste Landfills Containing Insignificant Volumes of Decomposable Wastes.

If adopted, these tentative Orders will establish or revise waste discharge requirements for most of the inactive landfills currently regulated under Order 97-11. *(Amy Fortin)*
- B. 45-day Public Notice. On February 5, 2003, the Regional Board will consider adoption of tentative Addendum No. 3 to Order 97-11: General Waste Discharge Requirements for Post-Closure Maintenance of Inactive Nonhazardous Waste Landfills within the San Diego Region. If adopted, this addendum would amend the title of Order 97-11 to read: "General Waste Discharge Requirements for Post-Closure Maintenance of Inactive Hazardous and Nonhazardous Waste Landfills within the San Diego Region." *(Brian McDaniel)*
- C. 30-day Public Notice of Settlement of Civil Liability:
 1. America Plaza Owners Association - On October 17, 2002, the Executive Officer issued Complaint No. R9-2002-0204 Administrative Assessment for Civil Liability with Mandatory Minimum Penalties in the amount of \$21,000, against the America Plaza Owners Association for violation of effluent limits established by Order No. 2000-90, for the discharge from sub-grade parking structure groundwater dewatering from the One America Plaza facility to San

Diego Bay. On November 15, 2002, the America Plaza Owners Association waived its right to a hearing and settled in full payment of the assessment of civil liability proposed in the Complaint.

2. KB Homes Coastal, Inc. - On November 1, 2002, the Executive Officer issued Complaint No. R9-2002-0348 Administrative Assessment for Civil Liability in the amount of \$614, against KB Homes Coastal, Inc. for failure to pay storm water annual fees in violation of California Water Code section 13260. On November 15, 2002 KB Homes Coastal, Inc. waived its right to a hearing and settled in full payment of the assessment of civil liability proposed in the Complaint.
3. Lincoln Property Company - On November 1, 2002, the Executive Officer issued Complaint No. R9-2002-0349 Administrative Assessment for Civil Liability in the amount of \$882, against Lincoln Property Company for failure to pay storm water annual fees in violation of California Water Code section 13260. On November 13, 2002 Lincoln Property Company waived its right to a hearing and settled in full payment of the assessment of civil liability proposed in the Complaint.

This notice for the above three items has been posted on the Regional Board web site beginning November 25, 2002. The 30-day comment period begins November 25, 2002 and ends on December 26, 2002. Interested parties may comment on the settlement of this matter. To ensure that the Regional Board has the opportunity to fully study and consider written material, comments will be accepted in the Regional Board's office until 5:00 P.M Thursday, December 26, 2002. For a copy of a complaint listed above or more information regarding these matters, please contact Vicente Rodriguez at (858) 627-3940 or rodrv@rb9.swrcb.ca.gov or see the Regional Board's web site.

- D. Closure of Lot 68 Brook Hills Development Fallbrook California, Appleton Brook Hills LLP. The Executive Officer plans to rescind Cleanup & Abatement Order No. 2000-180 (and addenda) and require no further remedial action for Lot 68 (a residential lot) at the Brook Hills Development in Fallbrook California. Soil contaminated with petroleum hydrocarbon has been completely removed from Lot 68 and the ground water beneath the site has been treated to reduce ground-water pollution. Although ground-water pollution has been drastically reduced, some pollutants remain slightly above the maximum contaminant level for drinking water. A deed restriction has been recorded to preclude ground-water usage until beneficial uses have been restored. (*Laurie Walsh*)